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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,298	06/18/2001	Atze J. Nijenhuis	P 281475 9462US/CNT1	6875

7590 03/25/2003  
Pillsbury Winthrop LLP  
1600 Tysons Boulevard  
McLean, VA 22102

EXAMINER

HAMPTON HIGHTOWER, PATRICIA

ART UNIT PAPER NUMBER

1711

DATE MAILED: 03/25/2003

*B*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,298

Applicant(s)

NIJENHUIS ET AL.

Examiner

Patricia Hightower

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-15,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 16,21,22 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

In view of the applicant's amendment filed November 27, 2002 in which claims 2 was canceled and claims 1,3,11 were amended and new claims 12-30 were submitted is acknowledged; the rejection of the claims 1 and 2-11 over Schmid et al (EPO 345,648B1) and under 35 USC 102(b) has been withdrawn because the reference does not teach as claimed the required ratio of trifunctional to bifunctional compounds is less than one and where both amine and carboxylic acid are trifunctional, the ratio is less than 2. Furthermore, the claimed compositions compounds I and II have a functionality not higher than 3. The claimed process involves selecting the claimed AB monomers and compounds I and II to obtain an intrinsically gel-free polymer wherein the prior art does not teach such. However, the claims are subject to a new ground of rejection under 35 USC 112, second paragraph.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16, 21-22 and 25-30 are newly rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 16, 21, 22, 25, 26, 27, 28, 29, 30 and the claims dependent therefrom, the language **"the compositions defined by the non-shaded regions depicted in figures 1 through 8"**, **"the compositions described in one of the non-shaded regions of figures 1 or 2"**, **"the polyamide are determined by the non-shaded**

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regions of figure 1", "the polyamide are determined by the non-shaded regions of figure 4", "the polyamide are determined by the non-shaded regions of figure 5", "the polyamide are determined by the non-shaded regions of figure 6", "the polyamide are determined by the non-shaded regions of figure 7", and "in the polyamide are determined by the non-shaded regions of figure 8"; such language is considered to render the claims indefinite because it does not clearly define the limitations of the compositions contemplated by the applicant.

Clarification is requested.

Applicant's arguments with respect to claims 1 and 3-30 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 3-15, 23-24 are allowable.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are cited to show the state of the art of preparing polyamides and the resulting polyamides from diamines, lactams and aminocarboxylic acids; Thullen and Schmid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (703) 308-2434. The examiner can normally be reached on Monday – Friday from 9:30 a.m. - 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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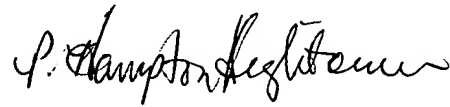
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872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

P. Hightower:ph  
March 18, 2003



P. Hampton-Hightower  
Primary Examiner  
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